PATENT   **03SW198/ALBRP318US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Appellant(s): David J. Lillie, *et al.*   Examiner: Brent S. Stace

Serial No: 10/667,750   Art Unit: 2161

Filing Date: September 22, 2003

Title: SYSTEMS AND METHODS FOR SHARING PORTAL CONFIGURATIONS

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Appellants' representative submits this amended brief in connection with an appeal of the above-identified patent application. If any additional fees are due, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP318US].

I.   Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Rockwell Automation Technologies, Inc., the assignee of the present application.

II.   Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III.   Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 1-39 stand rejected by the Examiner. The rejection of claims 1-39 is being appealed.

IV.   Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

No amendments had been submitted after the Final Office Action.

V.   Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))

A.   Independent Claim 1

Independent claim 1 and its corresponding dependent claims relate to a system that employs a shared access profile to interact with at least one networked device. A storage component is utilized to save one or more shared access profiles customized to delineate at least one of access and administrative privileges to the at least one networked device; (*See e.g.* Fig. 5, element 510; Application at p. 18, lines 3-14). A retrieval component obtains the shared access profile from the storage component. (*See e.g.* Fig. 1, element 110; Application at p. 9, lines 18-20). A user interface employs the shared access profile to provide users having similar roles with selective access to the at least one networked device. (*See e.g.* Fig. 1, element 110; Application at p. 8, lines 25-31).

B.   Independent Claim 12

Independent claim 12 and its corresponding dependent claims relate to a system that provides a user with access to components on a network. A loading component launches a shared portal configuration having at least one of customized access and administrative privileges associated with a user role. (*See e.g.* Fig. 3, element 310; Application at p. 12, lines 10-22). One or more portlets are respectively associated with the networked components, the portlets reside within the portal and provide users having similar roles with access to the components based on the shared portal configuration. (*See e.g.* Fig. 5, elements $520_1 - 520_4$; Application at p. 15, lines 26-30).

C.   Independent Claim 21

Independent claim 21 and its corresponding dependent claims relate to a method for employing a shared portal configuration. A shared portal configuration is selected and loaded to instantiate one or more portlets within the portal. (*See e.g.* Fig. 3, element 320; Application at p. 12, lines 24-26). The one or more portlets are associated with respective networked components, to provide selective access to one or more components to users having a similar role. (*See e.g.* Fig. 5, elements $520_1 - 520_4$; Application at p. 7, lines 29-31). The one or more portlets are employed to access the networked components. (*See e.g.* Application at p. 13, lines 14-15).

D.   Independent Claim 26

Independent claim 26 and its corresponding dependent claims relate to a method for customizing and saving a shared portal configuration. A portal is logged on to and a portal configuration is initialized. (*See e.g.* Fig. 4, element 410; Application at p. 13, lines 4-10). The portal configuration is customized to include predetermined access and administrative privileges, based on a user role. (*See e.g.* Fig. 4, element 410; Application at p. 13, lines 11-20). The portal configuration is defined as a shared configuration, and the portal configuration is saved. (*See e.g.* Fig. 4, element 430; Application at p. 13, lines 21-26).

E.   Independent Claim 33

Independent claim 33 relates to a system for employing a shared portal configuration to access components on a network. Means are provided for selecting a shared portal configuration having customized access and administrative privileges from one or more configurations associated with a user role. (*See e.g.* Fig. 3, element 310; Application at p. 12, lines 10-22). Means are also provided for invoking the shared portal configuration, the invocation instantiating portlets and associating selected networked components with the portlets. (*See e.g.* Application at p. 7, lines 29-30). Means are additionally provided for employing the portlets to access the networked components, the networked components associated with the user's role. (*See e.g.* Fig. 4, element 430; Application at p. 13, lines 21-26).

F.   Independent Claim 34

Independent claim 34 and its corresponding dependent claims relate to an API that generates a shared portal configuration in a computer readable medium. Instructions are provided for instantiating a portal configuration. (*See e.g.* Application at p. 7, lines 29-30). Instructions are also provided for defining the portal configuration to have at least one of customized access and administrative privileges for a user role. (*See e.g.* Fig. 3, element 310; Application at p. 12, lines 10-22). Instructions are additionally provided for saving the portal configuration as a shared configuration. (*See e.g.* Application at p. 3, lines 18-21).

VI.   Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. §41.37(c)(1)(vi))

A.   Whether claims 1-4, 8-14, 16, 17, 20-22, 24, 26-28, and 30-38 are anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by Schaeck *et al.* (U.S. Patent Application Publication No. 2003/0163513).

B.   Whether claims 5, 7, 19, 23, 29, and 39 are unpatentable under 35 U.S.C. §103(a) over Schaeck *et al.* in view of Hayes Jr. *et al.* (U.S. Patent Application Publication No. 2001/0011341).

C.   Whether claim 6 is unpatentable under 35 U.S.C. §103(a) over Schaeck *et al.* in view of Hayes Jr. *et al.*, further in view of Nielsen (US 5,813,007).

D.   Whether claim 15 is unpatentable under 35 U.S.C. §103(a) over Schaeck *et al.* in view of Hayes Jr. *et al.*, further in view of Gilmour *et al.* (US 6,115,709).

E.   Whether claims 18 and 25 are unpatentable under 35 U.S.C. §103(a) over Schaeck *et al.* in view of Hayes Jr. *et al.*, further in view of Sheppard (US 6,026,397).

VII.   Argument (37 C.F.R. §41.37(c)(1)(vii))

A.   <u>Rejection of Claims 1-4, 8-24, 16, 17, 20-22, 24, 26-38, and 30-38 Under 35 U.S.C. §103(a)</u>

Claims 1-4, 8-14, 16, 17, 20-22, 24, 26-28, and 30-38 stand rejected under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) as being anticipated by Schaeck *et al.* (U.S. Patent Application Publication No. 2003/0163513). Reversal of this rejection is requested for at least the following reasons. Schaeck *et al.* does not disclose each and every limitation set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the … claim.*** *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Appellant's claimed subject matter, as recited in claim 1 (and similarly independent claims 12, 21 26, 33 and 34) relates to a system and method that employs one or more <u>***shared*** *access profiles*</u> *to interact with at least one networked device.* The shared access profiles are *customized to delineate at least one of access* <u>and</u>

administrative privileges to the at least one networked device. A *user interface* employs
the shared access profile to *provide users having similar roles with selective access to
the at least one networked device.* In other words, a <u>single</u> shared access profile is used
by <u>multiple</u> users, where the users' roles can be, *e.g.* an electrician or technician or others
that require similar network access and privileges. It is maintained that Schaeck *et al.*
does not disclose or suggest these novel features.

Schaeck *et al.* relates to a system and method of providing a business web portal
that supports aggregate web services. The Final Action repeats the previous rejection,
further arguing that "shared access profiles" are disclosed in paragraphs [0022] and
[0067] of this reference. The Final Action states that:

> Paragraph [0067} teaches that <u>different roles for a user can
> exist in one profile</u> in that the user can login as either
> employee or admin.

In this way, it is contended that Schaeck *et al.* employs <u>multiple roles</u> for a <u>single
user,</u> which is in contradistinction to the claimed invention. A further contention follows
that a user role is selected from a different user profile <u>record,</u> which is not a different
user *profile*, citing paragraph [0022], which states:

> Preferably, the user role is stored in a user profile
> associated with the user, and the user role is determined
> using the user's identification and credentials.

However, this is again irrelevant to the subject claims which relate to a <u>single</u>
profile used by <u>multiple</u> users, as presented above. The Final Action further contends
that paragraphs [0022] and particularly [0067] of Schaeck *et al.* disclose the claimed
shared access profile that includes *customized access and/or administrative privileges to
a networked device.* However, paragraph [0067] clearly states that roles are specified
that correspond to "the user's current log-on status" which "is stored as an attribute of the
user's profile." This paragraph further states that, "when a systems administrator logs on
with his/her administrative identifier and password, these values will preferably identify a
user profile where the user's role is 'admin' (or some semantic equivalent). If this same
person logs on with another identifier, such as a regular employee identifier, then that

identifier and password preferably identify a different user profile record having a

different user role." It is therefore abundantly clear from this paragraph that a single user

must logon and logoff using a different ID and password in order access the different user

profile records having different roles. In no way can these paragraphs or any other

portions of Schaeck *et al.* be construed as *providing **users having similar roles** with*

selective access to the networked device, as presently claimed. The Final Action

contends that this is disclosed in paragraph [0043], however this slim citation merely uses

the term "users" in the plural, and does not disclose or suggest that these users are

operating with a *shared access profile* as claimed.

The Advisory Actions dated November 28, 2006 and January 16, 2007 continue

to contend that "shared access profiles" are disclosed in paragraphs [0022] and [0067] of

this reference. The Examiner repeats the statement from previous Office Actions that

"Paragraph [0067] teaches that different roles for a user can exist in one profile in that the

user can login as either employee or admin." Other arguments are offered that explain

how this is disclosed in the cited document. However, it should be carefully noted that

these contentions simply do not address the issue of the claimed invention as recited in

the subject claims. Paragraph [0067] clearly discloses:

> [0067] Preferred embodiments of the present invention
> build on this concept, and extend the role-based processing
> in order to provide multiple views into a business web,
> according to the present invention. In preferred
> embodiments, ***the specification of the role that***
> ***corresponds to the user's current log-on status is stored as***
> ***an attribute of the user's profile***. For example, when a
> systems administrator logs on with his/her administrative
> identifier and password, these values will preferably
> identify a user profile where the user's role is "admin" (or
> some semantic equivalent). ***If this same person logs on***
> ***with another identifier, such as a regular employee***
> ***identifier, then that identifier and password preferably***
> ***identify a different user profile record having a different***
> ***user role.*** The user's profile is preferably accessed using
> the provisioning interface. (In alternative embodiments, the
> role information may be stored elsewhere, and/or may be
> accessed using methods provided in an interface other than

the provisioning interface, including a dedicated "Roles" interface.)

Paragraph [0022] states:

> [0022] Preferably, the user role is stored in a user profile associated with the user, and the user role is determined using the user's identification and credentials.

It therefore remains abundantly clear that Schaeck *et al.* employs multiple roles for a single user. This point is correctly noted in the Advisory Action, the fact of which is not in any way disputed by Applicant. However, it must be appreciated that these disclosures from Schaeck *et al.* are completely irrelevant to the claimed invention which relates to *a shared access profile* for *users having similar roles*, which is to be construed as a single role for multiple users. It must therefore be understood that Schaeck *et al.* is in contradistinction to the claimed invention and that the plain disclosures of this reference have been misconstrued. Consequently, it is respectfully submitted that the contentions in the Advisory Action and throughout prosecution have been misguided and do not pertain the claimed invention.

The Advisory Action maintains that paragraphs [0022] and particularly [0067] of Schaeck *et al.* disclose the claimed *shared access profile* that includes *customized access and/or administrative privileges to a networked device*, further stating that "paragraph [0067] teaches customized access with the employee role, and it teaches administrative privileges with the administrative role." However, as can be seen in paragraph [0067] quoted above, this passage clearly states that roles are specified that correspond to "the user's current log-on status" which "is stored as an attribute of the user's profile." This paragraph further states that a single user must logon and logoff using a different ID and password in order access the different user profile records having different roles. In no way can these paragraphs or any other portions of Schaeck *et al.* be construed as *providing* **users having similar roles** *with selective access to the networked device*, as presently claimed. As with previous Office Actions, the Advisory Action states that this is disclosed in paragraph [0043], however this slim citation merely uses the term "users"

in the plural, and does not disclose or suggest that these users are operating with a *shared access profile* as claimed.

In view of at least the foregoing arguments, it is clear that there is nothing in Schaeck *et al.* that discloses or suggests a system or method in accordance with the claimed invention. Therefore, it is readily apparent that the cited document does not disclose or suggest every aspect of the claimed subject matter. Accordingly, the rejection of independent claims 1, 12, 21, 26, 33 and 34 (and claims that depend there from) should be reversed.

B.   Rejection of Claims 5, 7, 19, 23, 29, and 39 Under 35 U.S.C. §103(a)

Claims 5, 7, 19, 23, 29, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaeck *et al.* in view of Hayes Jr. *et al.* (U.S. Patent Application Publication No. 2001/0011341). Reversal of this rejection is requested for at least the following reasons. Claims 5 and 7 depend from independent claim 1, claim 19 depends from independent claim 12, claims 23 and 29 depend from independent claim 21, and claim 39 depends from independent claim 34; and as stated *supra*, Schaeck *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, and Hayes Jr. *et al.* does not cure the aforementioned deficiencies. Accordingly, this rejection should be reversed.

C.   Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schaeck *et al.* in view of Hayes Jr. *et al.*, further in view of Nielsen (US 5,813,007). Reversal of this rejection is requested for at least the following reasons. Claim 6 depends from dependent claim 5, which in turn depends from independent claim 1. As stated *supra*, Schaeck *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Hayes Jr. *et al.* and Nielsen do not cure the aforementioned deficiencies. For at least these reasons, this rejection should be reversed.

D.   Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over

Schaeck *et al.* in view of Hayes Jr. *et al.*, further in view of Gilmour *et al.* (US 6,115,709). Reversal of this rejection is requested for at least the following reasons. Claim 15 depends from dependent claim 14, which in turn depends from independent claim 12. Schaeck *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, as stated *supra*. Hayes Jr. *et al.* and Gilmour *et al.* do not cure the aforementioned deficiencies. Accordingly, reversal of this rejection is respectfully requested.

E.   Rejection of Claims 18 and 25 Under 35 U.S.C. §103(a)

Claims 18 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schaeck *et al.* in view of Hayes Jr. *et al.*, further in view of Sheppard (US 6,026,397). Reversal of this rejection is requested for at least the following reasons. Claim 18 depends from dependent claim 16, which in turn depends from independent claim 12, and claim 25 depends from independent claim 21; and as stated *supra*, Schaeck *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, and Hayes Jr. *et al.* and Sheppard do not cure the aforementioned deficiencies. Accordingly, this rejection should be reversed.

F.   Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-39 be reversed.

A credit card payment form is filed concurrently herewith in connection with all fees due regarding this document. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP318US].

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1.   A system that employs a shared access profile to interact with at least one networked device, comprising:

a storage component that is utilized to save one or more shared access profiles customized to delineate at least one of access and administrative privileges to the at least one networked device;

a retrieval component that obtains the shared access profile from the storage component, and

a user interface that employs the shared access profile to provide users having similar roles with selective access to the at least one networked device.

2.   The system of claim 1, the shared access profile is associated with a predetermined user role.

3.   The system of claim 1, the shared access profile is one of a default and a user customized profile.

4.   The system of claim 1, the shared access profile is associated with one or more attributes comprising a read, a write and an execute attribute.

5.   The system of claim 1, further comprising an update component that notifies the user when the shared access profile changes and refreshes the user interface with the changed shared access profile upon a user approval.

6.   The system of claim 5, the notification comprising at least one of a text message and an audio message.

7.   The system of claim 1, the shared access profile is automatically updated in the user interface when the shared access profile is modified.

8.   The system of claim 1, multiple instances of the shared access profile are instantiated within the user interface wherein the user can toggle between instances or partition the user interface to concurrently view more than one instance.

9.   The system of claim 1, multiple instances of the shared access profile are instantiated by a plurality of users with the user role within at least one of the user interface and other user interfaces.

10.   The system of claim 1, the user interface is a portal with one or more portlets.

11.   The system of claim 1, employed in an industrial environment.

12.   A system that provides a user with access to components on a network, comprising:
        a loading component that launches a shared portal configuration having at least one of customized access and administrative privileges associated with a user role, and
        one or more portlets that are respectively associated with the networked components, the portlets reside within the portal and provide users having similar roles with access to the components based on the shared portal configuration.

13.   The system of claim 12, the shared portal configuration is concurrently utilized by one or more users associated with the user role.

14.   The system of claim 12, further comprising a utility to modify and save the shared portal configuration.

15.   The system of claim 14, the utility defines an attribute for the shared portal configuration comprising one of a hide and a share attribute.

16.   The system of claim 12, further comprising intelligence to automatically select and load the shared portal configuration.

17.   The system of claim 16, the intelligence utilizes at least one of a statistic, a probability, an inference and a classifier to facilitate selecting the shared portal configuration for the user.

18.   The system of claim 16, the intelligence comprises one or more of a Bayesian learning model, a Bayesian classifier, a decision tree learning model, a support vector machines, a linear regression, a non-linear regression and a neural network.

19.   The system of claim 12, the shared portal configuration is dynamically refreshed when modified.

20.   The system of claim 12, the portal is a graphical user interface including one of a web browser, a web page and a home page.

21.   A method for employing a shared portal configuration, comprising:
        selecting a shared portal configuration;
        loading the shared portal configuration to instantiate one or more portlets within the portal;
        associating the one or more portlets with respective networked components, to provide selective access to one or more components to users having a similar role; and
        employing the one or more portlets to access the networked components.

22.   The method of claim 21, the shared portal configuration selected from a set of shared configurations that are associated with a user role.

23.   The method of claim 21, the shared portal configuration re-loads within the portal when a change occurs to the shared portal configuration.

24.   The system of claim 21, further comprising employing at least one of a statistic, a probability, an inferences and a classifier to facilitate selecting the shared portal configuration.

25.   The system of claim 21, further comprising employing one or more of a Bayesian learning model, a Bayesian classifier, a decision tree learning model, a support vector machines, a linear regression, a non-linear regression and a neural network to facilitate selecting the shared portal configuration.

26.   A method for customizing and saving a shared portal configuration, comprising:
        logging on to a portal;
        initializing a portal configuration;
        customizing the portal configuration to include predetermined access and
administrative privileges, based on a user role;
        defining the portal configuration as a shared configuration, and
        saving the portal configuration.

27.   The method of claim 26, the initialized portal configuration is an existing configuration or a new configuration.

28.   The method of claim 26, further customizing the configuration by at least one of adding, removing and editing portlets.

29.   The method of claim 26, further customizing the configuration by defining at least one of portlet shape, size, color, rotation, location and opacity.

30.   The method of claim 26, further customizing the configuration by associating networked components with the portlets.

31.   The method of claim 26, saving the shared configuration to at least one of a storage location local to the portal, a common storage location on the network and a storage location associated with another portal.

32.   The method of claim 26, further comprising employing at least one of a statistic, a probability, an inference, Bayesian learning, a Bayesian classifier, decision tree learning, a support vector machine, a linear regression, a non-linear regression and a neural network to facilitate customization.

33.   A system for employing a shared portal configuration to access components on a network, comprising:

        means for selecting a shared portal configuration having customized access and administrative privileges from one or more configurations associated with a user role;

        means for invoking the shared portal configuration, the invocation instantiating portlets and associating selected networked components with the portlets; and

        means for employing the portlets to access the networked components, the networked components associated with the users role.

34.   An API that generates a shared portal configuration in a computer readable medium, comprising:

        instructions for instantiating a portal configuration;

        instructions for defining the portal configuration to have at least one of customized access and administrative privileges for a user role, and

        instructions for saving the portal configuration as a shared configuration.

35.   The API of claim 34, further comprising instructions for utilizing a .NET or SDK API.

36.   The API of claim 34, further comprising instructions for associating one or more of a read, a write and an execute attribute with the portal configuration.

37.   The API of claim 34, further comprising instructions for adding, removing and editing a portlet associated with the portal.

38.   The API of claim 37, further comprising instructions for associating a component with the portlet.

39.   The API of claim 34, further comprising instructions for defining at least one of portlet shape, size, color, rotation, location and opacity.

IX.   Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X.   Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.